



when the objections are frivolous, conclusive, or general in nature. *Battle v. United States Parole Comm'n*, 834 F.2d 419, 421 (5th Cir. 1987).

The Court has thoroughly analyzed the parties' submissions in light of the entire record. As required by Title 28 U.S.C. § 636(b)(1)(c), the Court has conducted an independent review of the entire record in this cause and has conducted a de novo review with respect to those matters raised by the objections. After due consideration, the Court concludes the objections lack merit.

This Court agrees with the Magistrate Judge that Plaintiff failed to his exhaust administrative remedies, and he has neither shown himself to be entitled to equitable tolling of the administrative deadlines nor that said deadlines were waived. Defendant's Motion for Summary Judgment (docket no. 62) shall be granted.

This Court further agrees with the Magistrate Judge that: (1) aside from the way Plaintiff styled his motion, it is unclear whether he actually seeks any injunctive relief; (2) presuming Plaintiff is actually seeking injunctive relief under 42 U.S.C. § 1983, that section applies only to state actors, not federal actors like the Defendants in this case; (3) construing Plaintiff's motion as asserting a claim under *Bivens v. Six Unknown Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), rather than under § 1983, the claim would still fail because a *Bivens* cause of action is currently recognized in only three limited circumstances not applicable here; and (4) while courts may create additional causes of action in new *Bivens* contexts and although Plaintiff states that Defendants violated several provisions of the Code of Federal Regulations, he did not identify a particular regulation that they allegedly violated.

In his objections, Plaintiff identifies 29 C.F.R. §§ 1614.105 and 1614.106 as the provisions of the Code of Federal Regulations which Defendants allegedly violated. (Docket no. 74 at 5); (Docket no. 75 at 3, 6). As Defendant points out (docket no. 76 at page 3), even presuming these violations

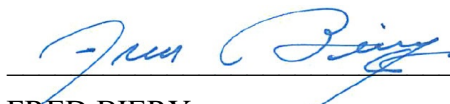
occurred, such regulatory violations would not support creation of a new *Bivens* cause of action because “a *Bivens* remedy exists, if at all, to ‘remedy . . . constitutional violations.’” *SAI v. Department of Homeland Sec.*, 149 F. Supp. 3d 99, 125 (D.D.C. 2015) (emphasis added) (quoting *Wilson v. Libby*, 535 F.3d 697, 704 (D.C.Cir.2008)). Plaintiff’s Motion to Enter Injunctive Relief (docket no. 55) shall be denied.

IT IS THEREFORE ORDERED that the Report and Recommendation of the United States Magistrate Judge (docket no. 71) is ACCEPTED pursuant to 28 U.S.C. § 636(b)(1) such that Defendants’ Motion for Summary Judgment (docket no. 62) is GRANTED and Plaintiff’s Motion to Enter Injunctive Relief (docket no. 55) is DENIED.

IT IS FURTHER ORDERED that remaining motions pending with the Court, if any, are Dismissed as Moot and this case is CLOSED.

It is so ORDERED.

SIGNED this 7th day of November, 2023.

  
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FRED BIERY  
UNITED STATES DISTRICT JUDGE